



Reprinted  
January 31, 2001

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## SENATE BILL No. 137

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DIGEST OF SB 137 (Updated January 30, 2001 2:12 PM - DI 71)

**Citations Affected:** IC 12-17.2; IC 20-5.

**Synopsis:** School latch key programs. Requires the contract between a school corporation and an entity providing a program of before and after school care (commonly called a "latch key" program) to be in writing and to be subject to bidding. Exempts a latch key program from licensure as a child care facility, but requires it to comply with guidelines developed by the department of education and the school corporation in which the program is operated.

**Effective:** July 1, 2001.

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### Lawson C, Hume

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January 8, 2001, read first time and referred to Committee on Education.  
January 22, 2001, reported favorably — Do Pass.  
January 30, 2001, read second time, amended, ordered engrossed.

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SB 137—LS 6879/DI 98+



Reprinted  
January 31, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## SENATE BILL No. 137

A BILL FOR AN ACT to amend the Indiana Code concerning child care.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 12-17.2-2-8 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. The division shall
- 3 exempt from licensure the following programs:
- 4 (1) A program for children enrolled in grades kindergarten
- 5 through 12 that is operated by the department of education or a
- 6 public or private school.
- 7 (2) A program for children who become at least three (3) years of
- 8 age as of December 1 of a particular school year (as defined in
- 9 IC 20-10.1-2-1) that is operated by the department of education
- 10 or a public or private school.
- 11 (3) A nonresidential program for a child that provides child care
- 12 for less than four (4) hours a day.
- 13 (4) A recreation program for children that operates for not more
- 14 than ninety (90) days in a calendar year.
- 15 (5) A program whose primary purpose is to provide social,
- 16 recreational, or religious activities for school age children, such
- 17 as scouting, boys club, girls club, sports, or the arts.

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- 1 (6) A program operated to serve migrant children that:  
 2 (A) provides services for children from migrant worker  
 3 families; and  
 4 (B) is operated during a single period of less than one hundred  
 5 twenty (120) consecutive days during a calendar year.  
 6 (7) A child care ministry registered under IC 12-17.2-6.  
 7 (8) A child care home if the provider:  
 8 (A) does not receive regular compensation;  
 9 (B) cares only for children who are related to the provider;  
 10 (C) cares for less than six (6) children, not including children  
 11 for whom the provider is a parent, stepparent, guardian,  
 12 custodian, or other relative; or  
 13 (D) operates to serve migrant children.  
 14 (9) A child care program operated by a public or private  
 15 secondary school that:  
 16 (A) provides day care on the school premises for children of a  
 17 student or an employee of the school;  
 18 (B) complies with health, safety, and sanitation standards as  
 19 determined by the division under ~~IC 12-17.2-2-4~~ **section 4 of**  
 20 **this chapter** for child care centers or in accordance with a  
 21 variance or waiver of a rule governing child care centers  
 22 approved by the division under ~~IC 12-17.2-2-10~~; **section 10 of**  
 23 **this chapter**; and  
 24 (C) substantially complies with the fire and life safety rules as  
 25 determined by the state fire marshal under rules adopted by the  
 26 division under ~~IC 12-17.2-2-4~~ **section 4 of this chapter** for  
 27 child care centers or in accordance with a variance or waiver  
 28 of a rule governing child care centers approved by the division  
 29 under ~~IC 12-17.2-2-10~~; **section 10 of this chapter**.  
 30 (10) A school age child care program (commonly referred to  
 31 as a latch key program) established under IC 20-5-2-1.5 that  
 32 is operated by:  
 33 (A) the department of education;  
 34 (B) a public or private school; or  
 35 (C) a public or private organization under a written  
 36 contract with:  
 37 (i) the department of education; or  
 38 (ii) a public or private school.

39 SECTION 2. IC 20-5-2-1.2 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1.2. (a) Each school  
 41 corporation shall conduct an educational program for all children who  
 42 reside within the school corporation in kindergarten and in grades 1



through 12. During the 1990-91 school year, each school corporation may provide each preschool child with a disability with an appropriate special education as required under IC 20-1-6-14.1 using local or available federal funds. Beginning with the 1991-92 school year, each school corporation shall provide each preschool child with a disability with an appropriate special education as required under IC 20-1-6-14.1 only if the general assembly appropriates state funds for preschool special education.

(b) Each school corporation may:

- (1) conduct an educational program for adults and children over fourteen (14) years of age not attending a program under subsection (a);
- (2) provide instruction in vocational, industrial, or manual training;
- (3) provide libraries for the schools of the school corporation;
- (4) provide public libraries open and free for the use and benefit of the residents and taxpayers of the school corporation where permitted by law;
- (5) provide vacation school and recreational programs;
- (6) conduct other educational or other activities as are permitted or required to be performed by law by any school corporation; and
- (7) provide a school age child care program that operates during periods when school is in session for students who are enrolled in a half-day kindergarten program.

(c) Each school corporation shall develop a written policy that provides for:

- (1) the implementation of a school age child care program for children who attend kindergarten through grade 6 that, at a minimum, operates after the school day and may include periods of time before school is in session or periods when school is not otherwise in session (commonly referred to as latch key programs) and is offered by the school corporation; or
- (2) the availability of the school corporation's buildings or parts of the school corporation's buildings to conduct the types of programs described in subdivision (1) by nonprofit organizations or for-profit organizations.

(d) The written policy required under subsection (c) must address compliance with certain standards for reasonable care for children served under a child care program offered under this subsection, including:

- (1) requiring the offering entity to acquire a particular amount of liability insurance; and



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(2) establishing maximum adult to child ratios governing the overall supervision of the children being served.

If a school corporation implements the school corporation's own child care program or enters into a contract to provide these programs, the school corporation may not assess a fee for the use of the building, **and the contract between the school corporation and the entity providing the program must be in writing.** However, the school corporation may assess a fee to reimburse the school corporation for providing security, maintenance, utilities, school personnel, or other added costs directly attributable to the use of the buildings for the programs. In addition, if a school corporation offers the school corporation's own child care program, the school corporation may assess a fee to cover the costs attributable to implementing the program.

(e) The powers under this section shall be construed as purposes as well as powers.

SECTION 3. IC 20-5-2-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1.5. (a) Notwithstanding section 1.2 of this chapter, except as provided in subsection (c), and beginning with the 1992-93 school year, each school corporation shall do one (1) of the following:

(1) Conduct a school age child care program (commonly referred to as a latch key program) for children who attend kindergarten through grade 6 that, at a minimum:

(A) operates after the school day and may include periods before school is in session or periods when school is not otherwise in session and is offered by the school corporation; and

(B) is available to all children in the applicable grade levels within the school corporation.

(2) Contract with a not-for-profit or for-profit organization to conduct the types of programs described in subdivision (1) and that utilize school buildings or parts of school buildings. **A contract entered into under this subdivision must be in writing.**

However, a school corporation is not required to conduct its latch key program or contract for a latch key program for kindergarten students during times in which grades 1 through 6 are in session.

(b) Each school corporation shall develop a written policy that addresses compliance with certain standards for reasonable care for children served under a child care program required under subsection (a), including the following:

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(1) Requiring the offering entity to acquire a particular amount of liability insurance.

(2) Establishing maximum adult to child ratios governing the overall supervision of the children being served.

A school corporation may not assess a fee for the use of a building in a child care program required under subsection (a). However, the school corporation may assess a fee to reimburse the school corporation for providing security, maintenance, utilities, school personnel, or other added costs directly attributable to the use of the buildings for the programs. If a school corporation offers the school corporation's own child care program, the school corporation may assess a fee to cover the costs attributable to implementing the program.

(c) A school corporation shall receive a waiver from the state board of the requirement under subsection (a) if the school corporation believes that it would experience an undue hardship due to a low number of eligible children intending to utilize the services of the latch key program, regardless of whether the latch key program is conducted by the school or under a contractual agreement. To receive a waiver, the school corporation must include a detailed description of its attempt to implement a latch key program, including the following:

(1) A description of the steps taken to conduct its own latch key program or to actively solicit other not-for-profit organizations or for-profit organizations to implement the latch key program.

(2) Evidence that a request in writing was made to all parents to contact the school corporation to indicate their willingness to utilize the latch key program and documentation of the results received from parents in this regard.

SECTION 4. IC 20-5-2-1.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 1.7. (a) This section applies to a school age child care program (commonly referred to as a latch key program) operated by a not-for-profit or for-profit organization under section 1.2 or 1.5 of this chapter.**

**(b) Before awarding a contract to operate a child care program described in subsection (a), a school corporation must comply with the provisions of IC 5-22-9.**

**(c) In a request for proposals prepared under subsection (b), a school corporation must require each responding organization to specify the fee schedule the organization proposes to charge parents for the use of the child care program.**

**(d) An organization that operates a child care program described in subsection (a) must comply with the guidelines**



- 1 developed by the department of education and the school  
2 corporation for child care programs described in subsection (a).

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Education, to which was referred Senate Bill No. 137, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 137 as introduced.)

LUBBERS, Chairperson

Committee Vote: Yeas 9, Nays 2.

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## SENATE MOTION

Mr. President: I move that Senator Hume be added as coauthor of Senate Bill 137.

LAWSON C

## SENATE MOTION

Mr. President: I move that Senate Bill 137 be amended to read as follows:

Page 5, after line 27, begin a new paragraph and insert:

"SECTION 4. IC 20-5-2-1.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 1.7. (a) This section applies to a school age child care program (commonly referred to as a latch key program) operated by a not-for-profit or for-profit organization under section 1.2 or 1.5 of this chapter.**

**(b) Before awarding a contract to operate a child care program described in subsection (a), a school corporation must comply with the provisions of IC 5-22-9.**

**(c) In a request for proposals prepared under subsection (b), a school corporation must require each responding organization to specify the fee schedule the organization proposes to charge parents for the use of the child care program.**

**(d) An organization that operates a child care program described in subsection (a) must comply with the guidelines developed by the department of education and the school corporation for child care programs described in subsection (a)."**

(Reference is to SB 137 as printed January 23, 2001.)

LAWSON C

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